

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated September 6, 2005. Claims 8-9, 12-16, 19-33, and 37-46 are currently pending in the application. As indicated above, Claims 47 and 48 have been cancelled. It is gratefully acknowledged that the Examiner granted a telephone interview for the present application on October 13, 2005.

In the Office Action, the Examiner has again rejected Claims 8, 9, 12-16, 20-33, and 37-46 under 35 U.S.C. § 102(e) as being anticipated by *Laakso* (U.S. 6,671,512 B2), Claim 19 under 35 U.S.C. § 103(a) as being unpatentable over *Laakso* in view of *Rostoker et al.* (U.S. 6,111,863), and Claims 47 and 48 under 35 U.S.C. § 102(e) as being anticipated by *Tiedemann, Jr. et al.* (U.S. 5,914,950).

In the previous response of June 15, 2005, it was argued that the present invention discloses a method for determining a transmission rate of a reverse data in a mobile communication system employing a high data rate transmission scheme. An AN (Access Network) calculates the total load of a reverse link by measuring the total energy of the reverse link, and calculates the load share of *each AT (Access Terminal) in the total load*. If the load share of an AT is greater than a predetermined threshold, the AN determines that the AT should reduce a data rate to be transmitted from each of corresponding ATs.

The cited reference, *Laakso*, controls power by controlling a traffic load in a cell. That is, if the load of the total cell is greater than a threshold (reference value), transmission power of the cell is reduced. However, it was respectfully submitted that *Laakso* fails to disclose or teach the subject matter of the present invention, i.e., if the load share of the AT is greater than the predetermined threshold, the AN determines that the AT should reduce the data rate to be transmitted from each of the corresponding ATs. In light of the above point, it was respectfully submitted that the data rate control of the present invention differs from power control of *Laakso*.

More specifically, each of independent Claims 8, 15, and 30 recites controlling reverse data rates in a mobile communication system *by individually handling the reverse data rates of each AT included in the communication system*. However, it was respectfully submitted that *Laakso* teaches controlling a traffic load on a cell basis, not for each individual AT included in the cell as recited in Claims 8, 15, and 30. For example, in Claims 8, 15, and 30, a load share is calculated for each individual AT, and this load share is then compared to a predetermined threshold for each individual AT. If an AT is above its predetermined threshold, then the reverse data rate of this AT is reduced. In *Laakso*, however, when a load of an entire cell is greater than a threshold, the transmission power of the cell as a whole is decreased, not considering the ATs (or MSs) individually. Therefore, it was argued that the Examiner was incorrect in rejecting independent Claims 8, 15, and 30, and it was requested that the rejection of Claims 8, 15, and 30 be withdrawn.

With regard to the rejection of dependent Claim 19, which the Examiner rejected under 35 U.S.C. § 103(a) as being unpatentable over *Laakso* in view of *Rostoker*, it was argued that the Examiner's assertions regarding *Rostoker* are incorrect.

More specifically, *Rostoker* relates to an apparatus and a method for a dynamic allocation of a bandwidth between audio, video, and data signals. The allocation is performed by buffering signals, making priority assignments to each of the buffered signals, and transmitting the buffered signals according to the priority assignments. The transmitted signals occupy an RF bandwidth in portions specified by the priority assignments. The priority assignments are changed.

For example, the priority assignments of the video, audio, and data signals are changed to 1, 0, and 0, and the video signal is transmitted over the entire RF bandwidth until the video buffer 23a is empty. If the video buffer is emptied, the audio and data signals are transmitted. If the priority assignments of the audio and data signals are equal, each will occupy one-half of the RF bandwidth during transmission. If the video buffer 23a receives additional video, the transmission of the audio and data signals is stopped and the video signal is transmitted until the video buffer 23a is emptied. Then, transmission of the audio and data signals is resumed. (See col. 4, lines 47-58)

However, *Rostoker* does not disclose a construction of the present invention, i.e., that the AN checks ATs requesting a predetermined data rate of a series of data rates, checks service priorities of the AT for the ATs requesting the predetermined data rate, determines RABs for the ATs in a descending order of the service priorities, determines an RAB first for an AT with a lower data rate, if there are ATs that have the same priority, and gives a lower priority to an AT having a high priority for more than a predetermined number times to maintain service equity between ATs. Therefore, it was argued that Claim 19 is patentably distinct over the combination of *Laakso* and *Rostoker*.

In response to these arguments, the Examiner merely asserted that Claims 8, 15, and 30 do not disclose “individually handling the reverse data rates of each AT included in the communication system”, and made no comments regarding any arguments in relation to Claim 19. However, because each of the independent claims clearly teaches “individually handling the reverse data rates of each AT included in the communication system”, Attorney Douglas M. Owens contacted Examiner Lee to discuss this case with him, on October 13, 2005. Additionally, it is gratefully acknowledged that the Examiner agreed with our argument concerning *Laakso*, and recommended that the above arguments be represented in this response. Accordingly, reconsideration of the above arguments is respectfully requested.

To summarize the arguments above, it is respectfully submitted that *Laakso* teaches controlling a traffic load on a cell basis, not for each individual AT included in the cell as recited in Claims 8, 15, and 30. That is, *Laakso* does not teach calculating a load share of *each AT* in the total reverse link load, as is recited in Claims 8, 15, and 30.

As independent Claims 8, 15, and 30 are believed to be in condition for allowance, then, at least because of their dependence on these claims, respectively, dependent Claims 9, 12-14, 16, 19-29, 31-33, and 37-46 are also believed to be in condition for allowance.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 8-9, 12-16, 19-33, and 37-46, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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